

DIVISION

**PATENT**

Attorney Docket No.1398-2

10/11/04 - 2 AM 11:39

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Gerald A. Nave

Serial No: 10/813,460

Group Art Unit: 2831

Filed: March 30, 2004

Examiner: Not Assigned

For: TOOL FOR INSTALLING AN ELECTRICAL BOX

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attention: Refund Section, Accounting Division, Office Of Finance

**REQUEST FOR REFUND**  
**(Improper Charge of Deposit Account)**

**I. REFUND REQUEST**

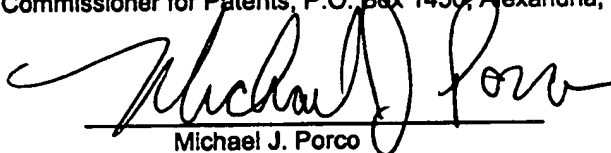
This is a request for a refund with respect to the charge to Deposit Account No. **50-2140** shown on the statement dated July 2004 in reference to the above-identified application.

A copy of the monthly statement in which the error occurred accompanies this request. Also enclosed are copies of the Official Filing Receipt, Fee Transmittal Sheet, check in the amount of \$412.00 and postcard with USPTO stamp.

**CERTIFICATION UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 3, 2004

  
Michael J. Porco

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II. FEES CHARGED FOR WHICH REFUND REQUESTED

AMOUNT OF REFUND  
REQUESTED

<input checked="" type="checkbox"/>	filing fee	<u>\$385.00</u>
<input type="checkbox"/>	surcharge for filing the basic filing fee on a date later than the filing date of the application (37 C.F.R. §1.16(e))	
	and/or	
<input type="checkbox"/>	surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. §1.16(e))	
<input type="checkbox"/>	extension of term	
<input type="checkbox"/>	first month	
<input type="checkbox"/>	second month	
<input type="checkbox"/>	third month	
<input type="checkbox"/>	fourth month	
<input checked="" type="checkbox"/>	excess claims	<u>\$27.00</u>
<input type="checkbox"/>	issue fee	
<input type="checkbox"/>	petition fee	
<input type="checkbox"/>	patent maintenance fee	
<input type="checkbox"/>	first maintenance fee	
<input type="checkbox"/>	second maintenance fee	
<input type="checkbox"/>	third maintenance fee	
<input type="checkbox"/>	patent maintenance fee surcharge	
<input type="checkbox"/>	other:	
	TOTAL REFUND REQUESTED	<u>\$412.00</u>

### III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

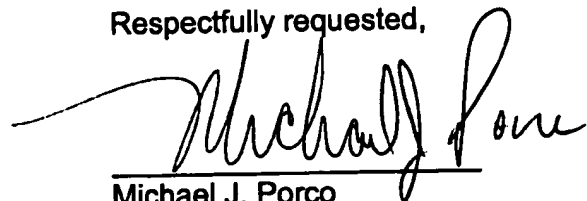
It is respectfully submitted that the application filing fee for the above-identified application was charged in error. As shown in the Fee Transmittal Sheet dated March 30, 2004, the correct Utility filing fee (i.e., \$385.00) and fee for extra claims (i.e., 27.00) for a small entity was entered on the sheet and amounted to \$412.00. A check for \$412.00 was submitted with the Application and Fee Transmittal Sheet and was received by the U.S. Patent and Trademark Office as evidenced by the enclosed copy of the USPTO-stamped postcard receipt. As evidenced by the Official Filing Receipt dated July 26, 2004, the applicant was granted small entity status and should have been charged the fee indicated on the Fee Transmittal Sheet (i.e., \$412.00). However, as also indicated by the Official Filing Receipt, the USPTO received a filing fee of \$824.00, exactly twice the amount indicated on the Fee Transmittal Sheet. Therefore, it is believed the USPTO mistakenly charged our deposit account and we hereby request a refund of \$412.00 to be credited to Our Deposit Account No. 50-2140.

### IV. MANNER OF REFUND

Please make refund by

- ☒ crediting Deposit Account No. 50-2140
- ☐ refunding payment.

Respectfully requested,



Michael J. Porco  
Reg. No. 46,007

**Carter, DeLuca, Farrell & Schmidt, LLP**  
445 Broad Hollow Road  
Suite 225  
Melville, New York 11747  
Tel.: (631) 501-5700  
Fax: (631) 501-3526

MJP/gm



**United States  
Patent and  
Trademark Office**

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**Deposit Account Statement**

Requested Statement Month: July 2004  
 Deposit Account Number: 502140  
 Name: CARTER DELUCA FARRELL & SCHMIDT, LLP  
 Attention: PETER DELUCA  
 Address: 445 BROAD HOLLOW ROAD  
 City: MELVILLE  
 State: NY  
 Zip: 11747

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
07/08	2	29168183		1502	\$10.00	\$4,511.00
07/08	3	PCT/US04/14117		9204	-\$12.00	\$4,523.00
07/13	22	PCT/US04/21638	1400-49 PCT	1704	\$1,620.00	\$2,903.00
07/14	48	E REPLENISHMENT		9203	-\$2,097.00	\$5,000.00
07/15	85	PCT/US04/21882	1304-5 PCT	8007	\$20.00	\$4,980.00
07/21	1	10425499	1400-4(1502)	1806	\$180.00	\$4,800.00
07/21	453	60480978	1315-13	8007	\$20.00	\$4,780.00
07/21	455	60483140	1315-14	8007	\$20.00	\$4,760.00
07/23	17	10895869		9204	-\$40.00	\$4,800.00
07/26	27	10392143	1346-2	1806	\$180.00	\$4,208.00
		START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE	
		\$4,521.00	\$2,462.00	\$2,149.00	\$4,208.00	

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/813,460	03/30/2004	2831	824	1398-2	6	23	3

CONFIRMATION NO. 4661

## REPLACEMENT FILING RECEIPT



\*OC000000013336778\*

Michael J. Porco  
 Carter, DeLuca, Farrell & Schmidt, LLP  
 445 Broad Hollow Road, Suite 225  
 Melville, NY 11747

Date Mailed: 07/26/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Gerald A. Nave, Johnson City, TN;

## Domestic Priority data as claimed by applicant

This appln claims benefit of 60/499,636 09/03/2003

## Foreign Applications

If Required, Foreign Filing License Granted: 06/14/2004

Projected Publication Date: 03/03/2005

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Tool for installing an electrical box

Preliminary Class

174

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

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**NOT GRANTED**

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$) 412.00

## Complete if Known

Application Number

Filing Date

March 30, 2004

First Named Inventor

Gerald A. Nave

Examiner Name

Art Unit

Attorney Docket No.

1398-2

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

50-2140

Carter, DeLuca, Farrell & Schmidt, LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	385.00
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$) 385.00

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
23	-20* = 3	9.00	27.00
Independent Claims	3	-3** = 0	0.00
Multiple Dependent			270.00

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
1202 16	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 16	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 27.00

\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or osth	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1480 130	1480 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00

## SUBMITTED BY

Name (Print/Type)

Michael J. Porto

Signature

*Michael J. Porto*

Registration No.

46,007

(Attorney/Agent)

(Complete if applicable)

Telephone: (631) 501-5718

Date

March 30, 2004

## CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence and the documents referred to as enclosed are being deposited with the United States Postal Service on date below in an envelope as "Express Mail Post Office to Addressee" Mail Label Number EL983699049US addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: March 30, 2004

Michael J. Porto

PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:  
PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:

Utility application for Gerald A. Nave entitled:  
TOOL FOR INSTALLING AN ELECTRICAL BOX

22390 U.S. PTO  
10/813460

1. Utility Patent Application Transmittal
2. Application Fee Transmittal (PTO) (in triplicate)
3. Executed Combined Declaration and Power of Attorney
4. 10 pages of Specification
5. 5 pages of claims
6. 1 page of Abstract
7. 6 sheets of Formal Drawings
8. Check in the amount of \$412.00
9. Certificate of Mailing by Express Mail #EL983569049US



Serial No.: Not Assigned  
Filed: March 30, 2004  
Docket: 1398-2  
Dated: March 30, 2004

MJP/gm

EL 703567049US

CARTER, DeLUCA, FARRELL & SCHMIDT LLP  
ATTORNEYS AT LAW  
445 BROAD HOLLOW RD., SUITE 225  
MELVILLE, NY 11747

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30-71/214

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3/30/2004

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